United States District Court
For the Northern District of California

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7   IN THE UNITED STATES DISTRICT COURT

8   FOR THE NORTHERN DISTRICT OF CALIFORNIA

9   SAN FRANCISCO DIVISION

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12   FRANKLIN H. WRIGHT,   No. C 14-0353 RS

13   Plaintiff,
        v.
                                                 ORDER RE PURPORTED REMOVAL
14   **OF STATE COURT ACTION AND**
                                                 DENIAL OF REQUEST FOR LEAVE
15   U.S. COUNCIL ON HOMELESSNESS, et   **TO AMEND**
     al.,
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             Defendants
17   _____/

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19   In most circumstances, filings by parties that do not comply with procedural or substantive

20   requirements will not be acted on by the Court until the issue has become ripe, either when a

21   response has been filed or a hearing date is imminent, or for some other reason. In this instance,

22   however, plaintiff has submitted a document that could give rise to jurisdictional uncertainty, in the

23   absence of an expedited ruling. Plaintiff has filed what purports to be, in part, a notice of removal of

24   San Francisco Superior Court Case No. CGC-13-536085, an action he apparently initiated against

25   Stanford University. Although removal divests the state court of jurisdiction even where it is

26   ultimately determined that a case must be remanded, here plaintiff has neither complied with the

27   procedural requisites for removal nor shown even a colorable claim that removal would be proper.

28   Plaintiffs in state court actions have no right of removal in any circumstances. Additionally,

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1   plaintiff's prior attempt to bring an independent action against Stanford in this forum, asserting what

2   appear to be the same basic claims, has already been dismissed for lack of jurisdiction, apart from

3   restrictions on removal. See Case No. 13-4457 EMC. Accordingly, the purported notice of removal

4   is hereby deemed to be of no legal effect, and the San Francisco Superior Court retains jurisdiction

5   of its Case No. CGC-13-536085.

6   Plaintiff's request for leave to file an amended complaint is denied, without prejudice. Any

7   motion for leave to amend must be made in compliance with the Civil Local Rules, and should

8   include a copy of the proposed pleading.

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11   IT IS SO ORDERED.

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13   Dated: 7/1/14

14   RICHARD SEEBORG
         UNITED STATES DISTRICT JUDGE

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